
By: **Delegates Edwards, Kelly, and Myers**
Introduced and read first time: January 22, 2003
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Agricultural Land Preservation Foundation - Allegany and**
3 **Garrett Counties - Natural Gas Rights**

4 FOR the purpose of prohibiting regulations and procedures adopted by the Maryland
5 Agricultural Land Preservation Foundation for the establishment and
6 monitoring of agricultural districts from requiring, in Allegany and Garrett
7 counties, a natural gas rights owner or lessee to subordinate its interest to the
8 Foundation's interest under certain circumstances; requiring that a certain
9 report be submitted by a certain date; and generally relating to the Maryland
10 Agricultural Land Preservation Foundation.

11 BY adding to
12 Article - Agriculture
13 Section 2-509(c)
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2002 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Agriculture
18 Section 2-509(c) and (d)
19 Annotated Code of Maryland
20 (1999 Replacement Volume and 2002 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article - Agriculture**

24 2-509.

25 (C) REGULATIONS AND PROCEDURES ADOPTED BY THE FOUNDATION FOR
26 THE ESTABLISHMENT AND MONITORING OF AGRICULTURAL DISTRICTS MAY NOT
27 REQUIRE, IN GARRETT COUNTY OR ALLEGANY COUNTY, A NATURAL GAS RIGHTS
28 OWNER OR LESSEE TO SUBORDINATE ITS INTEREST TO THE FOUNDATION'S

1 INTEREST IF THE FOUNDATION DETERMINES THAT EXERCISE OF THE NATURAL GAS
2 RIGHTS WILL NOT INTERFERE WITH AN AGRICULTURAL OPERATION CONDUCTED ON
3 LAND IN THE AGRICULTURAL DISTRICT.

4 [(c)] (D) Regulations and criteria developed by the Foundation relating to
5 land which may be included in an agricultural district shall provide that:

6 (1) Subject to item (2) of this subsection, land shall meet productivity,
7 acreage, and locational criteria determined by the Foundation to be necessary for the
8 continuation of farming;

9 (2) As long as all other criteria are met, land that is at least 50 acres in
10 size shall qualify for inclusion in an agricultural district;

11 (3) The Foundation shall attempt to preserve the minimum number of
12 acres in a given district which may reasonably be expected to promote the continued
13 availability of agricultural suppliers and markets for agricultural goods;

14 (4) Land within the boundaries of a 10-year water and sewer service
15 district may be included in an agricultural district only if that land is outstanding in
16 productivity and is of significant size; and

17 (5) Land may be included in an agricultural district only if the county
18 regulations governing the land permit the activities listed under § 2-513(a) of this
19 subtitle.

20 [(d)] (E) The Foundation may not purchase an easement on land which is
21 located outside an agricultural district established under this subtitle.

22 SECTION 2. AND BE IT FURTHER ENACTED, That on or before October 1,
23 2006, the Agricultural Land Preservation Foundation shall submit a report to the
24 Governor and, subject to § 2-1246 of the State Government Article, to the General
25 Assembly that evaluates the impact of this Act on the quality of agricultural land
26 preserved and the Foundation's agricultural land preservation activities under the
27 Maryland Agricultural Land Preservation Foundation.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2003.